

At an IAS Part 72 of the
Supreme Court of the State of
New York, held in and for the
County of Kings, at the
Courthouse, , Brooklyn, New
York, on the 25 day of
NOVEMBER, 2005

Present: Hon. Marsha L. Steinhard
J.S.C.

LUCIENNE LOMBARD,

Plaintiff,

-against-

FARHAAD YACOOB, NADIA YACOOB, GUARANTEED
HOME MORTGAGE COMPANY INC., BERKSHIRE
FINANCIAL GROUP, INC., FIRST NATIONAL BANK OF
NEVADA, RESIDENTIAL FUNDING CORPORATION,
BENJAMIN JACOB TURNER, ATARA HIRSCH-TWERSKY,
JONATHAN J. MASON-KINSEY, CHICAGO
TITLE INSURANCE COMPANY, DECISION 2000 REAL
ESTATE SERVICES, INC., AUGUSTA UWECHUE and
SPAULDING PROPERTIES INC.,

Defendants.

Index No.: 36016-05

**ORDER TO SHOW
CAUSE**

NO FEE
NOV 25 2005
KINGS COUNTY CLERK

Upon the reading and filing of the Affidavit of LUCIENNE LOMBARD, sworn to on
the 22nd day of November, 2005, and upon the Affirmation of Howard W. Rachlin, Esq.
dated November 22, 2005, with accompanying exhibits annexed thereto, the annexed
summons and the verified complaint herein and sufficient cause having been alleged
therefor,

LET Defendants, FARHAA YACOOB and RESIDENTIAL FUNDING
GROUP, appear and show cause at an IAS Part 17, Room 941, of the Supreme
Court of the State of New York, County of Kings, at the Courthouse located at 360

Adams Street, Brooklyn, New York on the 8 day of DECEMBER, 2005 at 9:30

o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, why an Order should not be made and entered herein enjoining and restraining Defendants, FARHOOD YACOOB and RESIDENTIAL FUNDING CORPORATION, their respective agents, servants and employees, and all persons acting on their behalf, pending the hearing and determination of this action, from

(1) prosecuting a holdover proceeding pending before the Civil Court of the City of New York, County of Kings, against the Plaintiff, L&T Index No. 98592-2005, and instituting or maintaining any other summary or other proceeding to evict or remove Plaintiff, members of Plaintiff's family or any other occupant from possession of the premises known as 499 East 29th Street, Brooklyn, New York, a/k/a Block 5231 Lot 70 (the "Premises");

(2) entering into any contracts and/or agreements involving the Premises, and offering for sale, selling, transferring, assigning, or in any way conveying the Premises to any person other than Plaintiff;

(3) executing or recording any deed transferring title to the Premises to any person or entity other than Plaintiff;

(4) selling, transferring, assigning, in any way conveying or foreclosing any existing mortgage or other encumbrance affecting the Premises;

(5) executing, creating or recording any mortgage or other encumbrance affecting said Premises or any interest of any of the Defendants therein;

(6) entering into a lease with or permitting any person or entity other than Plaintiff to take possession of the Premises or collecting any rent from the 2nd floor tenant at the Premises;

~~on the grounds that the said acts of said Defendants, if committed during the pendency of this action, will result in the immediate and irreparable harm, injury, loss and damage to Plaintiff.~~

~~It appearing that a cause of action for an injunction exists and that the instituted or threatened summary or other proceedings would render any subsequent judgment in favor of Plaintiff ineffectual and a nullity, and it appearing therefrom that immediate and irreparable injury, loss and damage will result to the Plaintiff herein, before notice can be served and a hearing had, unless the status quo of the parties' rights is preserved by Order of this Court, it is~~

ORDERED that ~~the holdover proceeding commenced in the Civil Court of the State of New York, County of Kings, L&T Index No. 98592-2005 is hereby temporarily~~

~~stayed~~ and that Defendant FARHAAD YACOOB, his agents, servants and employees,

and all persons acting on his behalf, be and are hereby temporarily stayed from taking

any further action therein *in the holdover proceeding commenced in the Civil Court of the State of NY, County of Kings, L&T Index* or from instituting or maintaining any other summary or other proceeding to evict or remove Plaintiff, members of Plaintiff's family or any other

No. 98592-2005
occupant from possession of the Premises, pending the hearing ~~and determination~~ of this motion;

ORDERED that pending the hearing ~~and determination~~ of this motion, brought on by this order to show cause, Defendant FARHAAD YACOOB, his agents, servants and employees, and all persons acting on his behalf, be and they hereby are enjoined and

restrained from entering into any contracts and/or agreements, involving Premises, and offering for sale, selling, transferring, assigning, or, in any way, conveying the Premises to any person other than Plaintiff; and it is further

ORDERED that pending the hearing ~~and determination~~ of this motion, Defendant FARHAAD YACOOB, his agents, servants and employees, and all persons acting on his behalf, be and they hereby are enjoined and restrained from executing or recording any deed transferring title to the Premises to any person or entity other than Plaintiff; and it is further

stay
MD
JSC
ORDERED that pending the hearing ~~and determination~~ of this motion, Defendant RESIDENTIAL FUNDING CORPORATION, its agents, servants and employees, and all persons acting on its behalf, be and they hereby are enjoined and restrained from selling, transferring, assigning, in any way conveying or foreclosing the existing mortgage held of record by it against the Premises or of any interest of said Defendant therein; and it is further

ORDERED that pending the hearing ~~and determination~~ of this motion, Defendant FARHAAD YACOOB, his agents, servants and employees, and all persons acting on his behalf, be and they hereby are enjoined and restrained from executing, creating or recording any mortgage or other encumbrance affecting the Premises; and it is further

ORDERED that pending the hearing ~~and determination~~ of this motion, Defendant FARHAAD YACOOB, his agents, servants and employees, and all persons acting on his behalf, be and they hereby are enjoined and restrained from entering into a lease with or permitting any person or entity other than Plaintiff to take possession of the Premises or collect any rent from the second floor tenant at the Premises; and

SUFFICIENT REASON APPEARING THEREFOR, let ^{personal} service of a copy of this
Order together with the papers upon which it is based and the summons and complaint
upon ^{all} Defendants ^{as well as parties in the L+T INDEX # 98592-2005} ~~FARHAAD YACCOB and RESIDENTIAL FUNDING CORPORATION~~
^{action} be made on or before the 1 day of DECEMBER 2005, and that said service be
deemed sufficient.

ENTER:

MM
J.S.C.